As introduced in the Rajya Sabha
on the 8th August, 2014

Bill No. XVIII of 2013

THE MEDICAL CONSULTANCY AND OTHER SERVICES (RATIONALISATION OF FEES) BILL, 2013

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BILL

to rationalise the consultancy and other medical services fees for making them affordable for the common man in the country and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Medical Consultancy and Other Services (Rationalisation of Fees) Act, 2013. Short title, extent and commencement.

(*2*) It extends to the whole of India.

5 (*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "Committee" means the Medical Consultancy and Other Services Rationalisation of Fees Committee constituted under section 3;

10 (*b*) "diagnostic laboratory" means a place owned or run by an industrial or a group of persons or by a private or corporate hospital where pathological tests or investigations are conducted on the advice of a bonafide medical practitioner or consultant;

(*c*) "medical consultancy and other services" includes,—

(*i*) consultancy by qualified medical practitioners in all branches of medicines/surgery including alternative branches, namely, Allopathy, Homeopathy, Ayurveda, Unani and Siddha, whether in private clinics or in the private or corporate hospitals;

(*ii*) all such pathological tests as are prescribed by the qualified doctors whether in a private clinic or in a private and/or corporate hospital; and

(*iii*) all such scanning or imaging services, namely, x-ray, ultra sound, MRI, CT scan, etc. whether in a private clinic or in a private/corporate hospital.

(*d*) "medical practitioner" means a person legally qualified and duly recognized by the Medical Council of India and engaged in the business of consultancy and providing advice to patients whether as a private practitioner or in a private corporate/ hospital; and

(*e*) "prescribed" means prescribed by rules made under this Act.

Constitution of the Medical Consultancy and Other Services Rationalisation of fees Committee.

3. (*1*) The Central Governemnt shall be notification, constitute a Committee to be known as the Medical Consultancy and Other Services Rationalisation of Fees Committee to determine the fees of a medical practitioner and prices of pathological tests, scanning and imaging.

(*2*) The Committee shall consist of—

(*i*)	**the Minister of Health and Family Welfare, Government of India**	**—**	***Chairman, ex-officio***
(*ii*)	**Chairman of the Department-related Parliamentary Standing Committee on Health and Family Welfare**	**—**	***Member***
(*iii*)	**three representatives of major Hospitals/Laboratory Including Government run Hospitals/Laboratory**	**—**	***Member***
(*iv*)	**three representatives of the Non-Governmental Organisation in the health sector;**	**—**	***Member***
(*v*)	**two representatives of Medical Practitioners**	**—**	***Member***
(*vi*)	**one representative each from the National Political Parties**	**—**	***Member***
(*vii*)	**Secretary to the Government of India Ministry of Health and Family Welfare.**	**—**	***Secretary, ex-officio***

(*3*) Members under clauses (iii), (iv) and (v) shall be appointed by the Central Government in such manner as may be prescribed.

(*4*) Members under clause (vi) shall be appointed by the Central Government on the recommendation of the respective political party.

Central Government to Provide Assistance to the Committee.

4. The Central Government shall provide the Committee such assistance as may be necessary for the efficient functioning of the Committee.

5. The Committee shall discharge the following functions:— Functions of the Committee.

(*i*) fixation of the consultancy fees to be charged by the medical practitioners from patients either in their private clinics or in a private hospital/corporate hospital after taking into consideration such factors as may be necessary.

5 (*ii*) fixation of the rate for the pathological tests and scanning taking into the consideration the inputs used in carrying out the tests.

(*iii*) promotion of the free consultancy for the local community by making it mandatory for the private practitioners to organize free medical camps on a regular basis.

10 **6**. (*1*) No Medical practitioner shall charge from any patient the fee exceeding the fee fixed by the Committee; Mandatory display of consultancy and other fees.

(*2*) It shall be mandatory for all the medical practitioner and diagnostic laboratory to display the fees as decided by the Committee in such manner as may be prescribed.

7. (*1*) Whoever contravenes the provisions of this Act shall be punished with 15 imprisonment for a term not less than a year and with fine which may extend up to five lakh rupees. Penalty.

(*2*) Where an offence under this Act has been committed by a company/hospital/ laboratory, the license of such company/hospital/laboratory shall be cancelled forthwith.

Explanation.—For the purpose of sub-section (*2*), "company", means any body 20 corporate, and includes a firm or other association of individuals.

8. (*1*) The Central Government may, be notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which 25 may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall 30 be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The medical practitioners are charging exorbitant consultancy fees from patients ranging from Rs. 500 to Rs. 2000 per visit. The pathological tests and scanning, etc. in the private hostpitals are exceedingly expensive and becoming out of reach for the common people. The Government is committed to provide health services free of cost to its citizens regardless of their economic status. However, considering the enormity of our population and the unmatched health facilities, it is imperative that the private practitioners either in their private clinics or in the private/corporate hospitals should provide the medical consultancy at a reasonable price which can be afforded by a common man, particularly when the majority of private hospitals are running on the leased Government land and the private clinics do not pay commercial charges for their premises from where they run their clinics. The consultancy fee of private medical practitioners is arbitrarily high. As a result, the government hospitals are overcrowded with patients. In this background, it is felt that the consultancy by the private medical practitioners and other medical services all over the country needs to be rationalized.

It is therefore, proposed to constitute a Committee to fix the consultancy fees and pathological and other test charges, promote the free medical campus and rationalizes the fees for medical services for the poor.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

RENUKA CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Committee to be known as the Medical Consultancy and Other Services Rationalisation of Fees committee to rationalize the medical services fees. Clause 4 provides that the Central Government shall provide assistance to the Committee for its efficient functioning. The Bill, therefore, if enacted, would involve expenditure for the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum. No non-recurring expenditure of is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

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(*Shrimati Renuka Chowdhury, M.P.*)

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